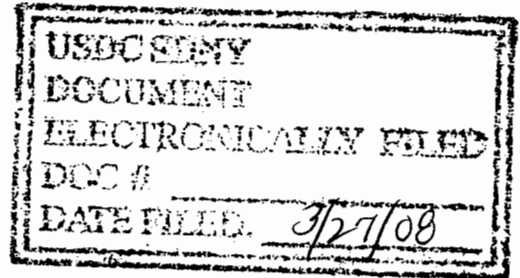
**MEMO ENDORSED**ANDREW M. CUOMO  
Attorney GeneralSTATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERALCRIMINAL DIVISION  
Federal Habeas Corpus Section

March 25, 2008

**BY HAND DELIVERY**

Hon. Kevin N. Fox  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl St., Room 540  
New York, New York 10007



Re: Levites v. Commissioner of New York State Div. of Parole, et al.  
08 Civ. 0113 (JSR)(KNF)

Your Honor:

I am the Assistant Attorney General assigned to represent the respondent in the above-referenced habeas corpus matter. By this letter, I respectfully request a 45-day extension of time to respond to the petition, from March 28, 2008 until May 12, 2008.

The Court's initial Rule 4 Order, dated February 20, 2008, requires respondent to respond to the petition on or before March 28, 2008. Inquiries were made to secure the state court record in the matter immediately upon receipt of the Court's Order, but the record was not received until late in the day on Thursday of last week. It is currently being reviewed and I intend to prepare the response as soon as possible, but I cannot do so by the current due date. In addition, I have four responses to file in relation to other habeas petitions between the date of this letter and the requested extension date, and I also need to prepare an appellate response in state court. Accordingly, I respectfully request an extension on behalf of respondent that will give me until on or before May 12, 2008 to serve and file the response.

This is respondent's first request for an extension in this matter. The consent of petitioner, who is acting *pro se*, has not been sought as I have no contact information that would allow me to speak with him on an expedited basis, and I need to make this request on behalf of respondent forthwith.

Hon. Kevin N. Fox

March 25, 2008

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In sum, I respectfully request a 45-day extension of time on behalf of respondent, from March 28, 2008 until May 12, 2008, in order to complete the response. Thank you for your consideration.

3/27/08

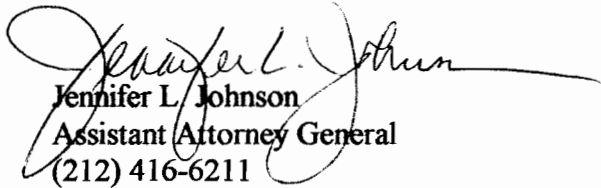
Application granted.  
Any reply by the petitioner  
shall be served and filed  
on or before July 21, 2008.

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX, U.S.M.J.

Respectfully,

  
Jennifer L. Johnson  
Assistant Attorney General  
(212) 416-6211

Copy to:

(by First Class Mail)

Mr. Roman Levites  
622 Brighton Beach Avenue  
2<sup>nd</sup> Floor  
Brooklyn, New York 11235

Petitioner (Pro Se)